

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ZONING ADJUSTMENT



Application No. 15715 of the National Children's Center, Inc., pursuant to 11 DCMR 3108.1, to reinstate the Board's previous order in Application No. 15182 of the National Children's Center, Inc., as amended, pursuant to 11 DCMR 3108.1, for a special exception under Section 207 to establish a private school for children, ages six months to adults as a day treatment facility for 150 persons with a staff of 80 in an R-4 District at premises 3400 Martin Luther King, Jr., Avenue, S.E. (Square 5978, Lot 4).

HEARING DATES: July 15, 1992  
DECISION DATES: July 15, 1992 (Bench Decision)

DISPOSITION: The Board **GRANTED** the reinstatement of its previous Order No. 15182 by a vote of 3-0 (Maybelle Taylor Bennett, Paula L. Jewell and Carrie L. Thornhill to grant; Angel F. Clarens abstaining; Sheri M. Pruitt not present, not voting). The Board **APPROVED** a **MODIFICATION OF PLANS** by a vote of 3-0 (Maybelle Taylor Bennett, Paula L. Jewell and Carrie L. Thornhill to approve; Angel F. Clarens abstaining; Sheri M. Pruitt not present, not voting).

FINAL DATE OF ORDERS: August 7, 1992 and September 22, 1992

MODIFICATION ORDER

By its order dated August 7, 1992, the Board reinstated the previous order subject to the same terms and conditions set forth in its order dated July 11, 1990. By letter dated September 22, 1992, the Board approved a modification of plans detailing the proposed barriers at each of the four entrances to the project and the availability of the parking lot to neighborhood church parishioners during the non-school hours if adequate notice is given to the applicant.

By letter dated June 16, 1994, counsel for the applicant requested a waiver of the six-month filing requirement to allow the Board to consider a request for further modification of the plans originally approved by the Board. The basis for the request was that the applicant had recently been informed by officials of Ballou High School that the originally proposed lighting and fence were inappropriate due to the high incidence of crime in the area. At its public meeting of July 6, 1994, the Board **WAIVED** its six-month filing requirement to accept the motion for modification of plans.

In support of its motion for modification of plans, counsel for the applicant argued that the 36 exterior 100-watt metal halide fixtures on nine-foot poles originally approved by the Board are insufficient due to the high crime rate in the neighborhood. The applicant proposes to provide 15, 150-watt high-pressure sodium fixtures on nine-foot poles and eight, 400-watt high-pressure sodium fixtures on 30-foot poles. In addition, in cooperation with the DC Department of Public Works, the applicant has agreed to have all lighting along Savannah Street, including those in front of Ballou High School, increased from 150 watts to 250-watt sodium vapor lamps, as well as adding another 250-watt sodium vapor lamp at each light pole on Savannah Street with an arm protruding over the sidewalk.

In addition, counsel for the applicant proposes to eliminate the approved six-foot high wood stockade fence along the west side of the service driveway. Counsel for the applicant noted that the originally approved fence creates a security problem in that it would shield persons behind it from view of passing pedestrians.

The motion for modification of plans was signed as approved by representatives of Advisory Neighborhood Commission (ANC) 8C and the Wilburn Mews Homeowners Association, Inc.

The Board waived Subsection 3335.6 of the Board's Rules which provides that no member shall vote on a request for modification of plans unless the member participated in and voted on the original decision. The membership of the Board has changed since the original decision in this application. Those Board members who did not participate in the original decision on this application were provided with copies of the transcript and record of the subject case for review prior to consideration of the motion for modification.

Upon review of the request for modification, the record of the case, and its final order, the Board concludes that the proposed modification of plans is minor in nature and does not change the material facts relied upon by the Board in deciding the application. The special exception as originally approved is unaltered. No additional zoning relief is required. It is therefore **ORDERED** that the proposed modification is **APPROVED**. In all other respects, the orders of the Board dated August 7, 1992 and September 22, 1992 shall remain in full force and effect.

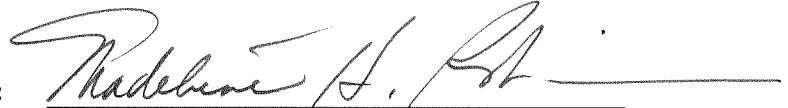
**DECISION DATE:** July 6, 1994

**VOTE:** 4-0 (Craig Ellis, Maybelle Taylor Bennett, Laura M. Richards and George Evans to approve; Angel F. Clarens abstaining).

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BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY:

  
MADELIENE H. ROBINSON  
Director

FINAL DATE OF ORDER: JUL 29 1994

PURSUANT TO D.C. CODE SEC. 1-2531 (1987), SECTION 267 OF D.C. LAW 2-38, THE HUMAN RIGHTS ACT OF 1977, THE APPLICANT IS REQUIRED TO COMPLY FULLY WITH THE PROVISIONS OF D.C. LAW 2-38, AS AMENDED, CODIFIED AS D.C. CODE, TITLE 1, CHAPTER 25 (1987), AND THIS ORDER IS CONDITIONED UPON FULL COMPLIANCE WITH THOSE PROVISIONS. THE FAILURE OR REFUSAL OF APPLICANT TO COMPLY WITH ANY PROVISIONS OF D.C. LAW 2-38, AS AMENDED, SHALL BE A PROPER BASIS FOR THE REVOCATION OF THIS ORDER.

UNDER 11 DCMR 3103.1, "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT."

THIS ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER, UNLESS WITHIN SUCH PERIOD AN APPLICATION FOR A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS.

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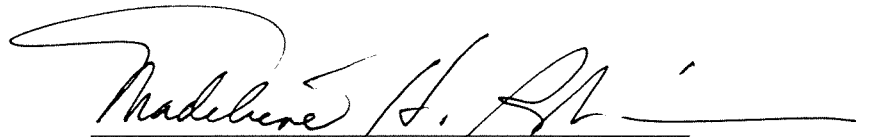
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As Director of the Board of Zoning Adjustment, I hereby certify and attest to the fact that on JUL 29 1994 a copy of the order entered on that date in this matter was mailed postage prepaid to each party who appeared and participated in the public hearing concerning this matter, and who is listed below:

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Young, Goodman & Van Beck  
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6200 2nd Street, N.W.  
Washington, D.C. 20011

William Lockridge, Chairperson  
Advisory Neighborhood Commission 8C  
3125 Martin Luther King Jr. Avenue, S.E.  
Washington, D.C. 20032

  
MADELIENE H. ROBINSON  
Director

DATE: JUL 29 1994.